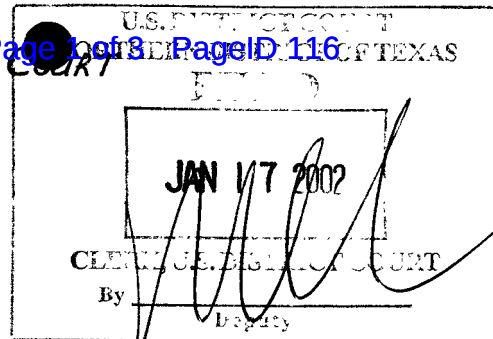


IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION



KEITH B. BURKINS

PLAINTIFF

V. S

ROGER A. RUDLOFF, et al

DEFENDANT

+

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3-00-CV-2377-M

+

PLAINTIFF'S MOTION FOR LEAVE TO AMEND

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES PLAINTIFF KEITH B. BURKINS, INMATE OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, AND FILES THIS HIS PLAINTIFF MOTION FOR LEAVE TO AMEND. IN SUPPORT THERE OF, THE PLAINTIFF WOULD RESPECTFULLY SHOW THE COURT THE FOLLOWING:

LIBERAL SCRUTINY UNDER HAINES V. KERNER

IT IS REQUESTED THIS MOTION, ANY ARGUMENTS THERE TO, AND ALL FUTURE MOTIONS, COMMUNICATIONS, AND HEARINGS, BE TREATED LIBERALLY, UNDER THE GUIDE LINES ESTABLISHED IN HAINES V. KERNER - 92 S.Ct 594 (1971)

II.

JURISDICTION

THIS HONORABLE COURT HAS JURISDICTION TO ENTERTAIN THIS MOTION, PURSUANT TO 28 U.S.C. § 1915(A), LOCAL RULE 15.1, THE PLAINTIFF FURTHER ASSERTS THE SWORN, CONTROVERTED AND UNRESOLVED ISSUE BROUGHT FORTH BY THE PLAINTIFF SHOULD BE VIEWED IN THE INTERESTS OF JUSTICE.

ISSUE PRESENTED

(1.) SUPERVISORY OFFICIAL MAY BE HELD LIABLE UNDER SECTION 1983 FOR THE WRONGFUL ACTS OF A SUBORDINATE. PLEASE SEE ATTACHED EXHIBIT "A-(1.)" MOTION TO AMEND. PLAINTIFF'S PLEADINGS.

PAGE # (1.)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KEITH B. BURKINS #1013686
PLAINTIFF

V.S.

ROGER A. RUDLOFF, et. al.,
DEFENDANT

+

+ 3:00-CV-2377-M

+

ORDER

CAME ON THIS DAY TO BE CONSIDERED PLAINTIFF'S MOTION FOR LEAVE TO AMEND, AND THE COURT, AFTER CONSIDERING THE PLEADINGS OF THE PARTIES FILED HEREIN, IS OF THE OPINION THAT THE FOLLOWING ORDER SHOULD ISSUE:

IT IS ORDERED, ADJUDGED AND DECREED THAT PLAINTIFF'S MOTION FOR LEAVE TO AMEND IS HEREBY GRANTED, IN THE INTEREST OF JUSTICE.

SIGNED ON THIS THE _____ DAY OF _____ 2002.

JUDGE PRESIDING

CERTIFICATE OF SERVICE

I KEITH B. BURKINS. SO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING INSTRUMENT HAS BEEN SERVED UPON THE U.S. DISTRICT CLERKS OFFICE, TO THE NORTHERN DISTRICT OF TEXAS 1100 COMMERCE RM-14A20 DALLAS TEXAS 75242-1495 AND A COPY HAS ALSO BEEN SENT TO DEFENDANT ROGER A. RUDLOFF, TO THE OFFICE OF THE CITY ATTORNEY 1999 BRYAN STREET 3470 HARWOOD CENTER DALLAS T.X. 75201 BY THE U.S. POSTAL SERVICE ON THIS 13 DAY OF JANUARY, 2002.

Keith B. Burkins

KEITH B. BURKINS #1013686
12071 F.M. 3522
ABILENE T.X. 79601